

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

THOMAS J. GREEN,

Plaintiff,

v.

Case No. 2:06-cv-218  
HON. GORDON J. QUIST

GERALD HOFBAUER, et al.,

Defendants.

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**REPORT AND RECOMMENDATION**

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On October 17, 2008, defendants filed a motion for dismissal and motion for summary judgment. On October 23, 2008, the undersigned issued an order requiring plaintiff to file a response to defendants' motion within 30 days. Plaintiff was advised that failure to file a response would result in dismissal of this case for failure to prosecute. Plaintiff has failed to file a response to defendants' motion as ordered by this court. Therefore, it is recommended that plaintiff's complaint be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal.

*United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley  
TIMOTHY P. GREELEY  
UNITED STATES MAGISTRATE JUDGE

Dated: February 4, 2009